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(A Brief of the Modes of Proving the Facts most frequently in Issue or Collaterally in question on the Trial of Civil or Criminal Cases; or) ABBOTT'S TRIAL BRIEF. Second and enlarged edition. Lawyers' Co-operative Publishing Company, Rochester. 1901.

Mr. Austin Abbott the author of a trio of brief books on the Law of Procedure needs no introduction to the profession. Useful and complete as his Trial Brief was found in practice, recent decisions on some, and the growth in importance of others, of the subject there treated required this new and enlarged edition. The editors have added a chapter on Insanity, Paternity and survivorship; enlarged and expanded the chapter on Abandonment and Ability, and reconsidered and restated other chapters in view of recent decisions, making the work in every sense more complete, precise and definite.

A word on the arrangement of the work. It is a dictionary of facts commonly in issue in the more frequent classes of litigation. Each fact is then sub-divided into its various applications to different situations, and under each sub-division is a statement of the modes in which the fact in relation to that situation is permitted to be proved, together with a brief of authorities on the point. To illustrate: the reader desires to know whether he can prove handwriting by an expert. He looks not for Expert Testimony but for Handwriting which is the fact to be proved. Again he wants to know whether he can prove age or title by statement of a person since deceased. He turns not to Hearsay or Statements by Deceased Persons but to Age or Title.

A moment's reflection will convince one of the importance and great usefulness of this work to the practicing lawyer, both in time saved and in confidence resulting from concise understanding of the legality of his evidence and its limits. Cases are won and lost every day on counsel's knowledge or lack of knowledge of evidence. The time of the court and patience of opposing counsel are wasted by immaterial and otherwise irrelevant questions and futile and unreasonable objections to good and legal questions. And by a knowledge of evidence we mean not only the general rules which determine what is and what is not evidence in a particular issue, but also the various modes competent under those rules to prove that fact, coupled with ability to select that mode most prudent under the circumstances, effective at the trial, and safe in case of appeal. Such a knowledge may well be acquired by constant preparation for, and conduct of, jury trials, but careful study of Mr. Abbott's work as now constituted will give in a name equally satisfactory that which otherwise must be learned in a bitter school of experience.

An intelligent use of this book must also lead to a systematic conduct of the case. Counsel must study his position, conclude what facts he can depend on to get a verdict, turn to those facts,

and there select from the various ways courts or legislatures, permit those facts to be proved, that mode and that witness which will afford his opponent least room for attack, or subject himself to least possibility of disappointment at a critical stage. He is prepared with principles and authorities for any objection to his own evidence, and likewise for any attempt to present evidence to which he is not entitled.

The practical usefulness of the book, especially to the younger members of the profession, can hardly be overestimated. Nor can it fail to meet with even greater commendation from the profession than Mr. Abbott's other brief books, for it is more original, and therefore to a greater extent required in the library of every practising attorney. The Criminal Brief and the Civil Brief treat of the effect of facts when proved in their respective class of case. The Brief of Facts goes a step deeper and considers the *methods of proving these facts* in a court of justice.

T. I. P.

A TREATISE ON THE LAW OF DAMAGES FOR PERSONAL INJURIES.

By ARCHIBALD ROBINSON WATSON, of the New York City Bar, formerly of the Memphis Bar. The Mictrie Company, Charlottesville, Va. 1901.

Very few books bearing the above title are to be found in the law libraries; indeed, sixty years ago there was not an American text-book on the whole subject of "Damages." And at present, although there are some treatises on special branches of this subject as well as some books of general summary, "no one has, apparently, attempted anything approaching a full and exhaustive treatment of damages for personal injuries." As the immense practical importance of the subject is clear, such a book must be invaluable to the legal profession; and as this importance has been recognized in the law schools by a special course on "Damages," students must often have felt the need of a comprehensive treatise. It is this need which the author wishes to supply.

His task was a great one, for his subject necessarily covers all phases of human action in their infinite diversity and continuous development, and there, to do justice, special cases must be decided according to special circumstances. The title "Damages," itself susceptible to at least three definitions, indicates the uncertainty of much of the subject for which it stands. It is true that the simplification of forms of pleading has made the question of recovery more nearly one of the nature of the wrong and therefore much easier of access; but the wrong itself varies so infinitely that the difficulty of bringing the cases into line and deducing from them a general rule of law will readily be appreciated.